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10/074,340	02/12/2002	Michael Wengrovitz	47397/JEC/X2/134087	5701

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EXAMINER	
ABELSON, RONALD B	
ART UNIT	**PAPER NUMBER**
2666	

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/074,340	Applicant(s) WENGROVITZ, MICHAEL	
	Examiner Ronald Abelson	Art Unit 2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 December 2004*.

2a)☒ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10,12,14-18 and 20-28* is/are rejected.

7)☒ Claim(s) *11,13 and 19* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 February 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 5 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The applicant does not describe in the specification how the first translator determines the second translators viable for receiving the message.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 14 recites the limitation "the PBX" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 2, 5, 6, 9, 10, 12, 16-18, 21-24, 26, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Ong (US 6,795,430).

Regarding claim 1, Ong teaches a telephony communications network (fig. 1).

Ong teaches a telephony unit (fig. 1 box 120) generating a private / proprietary telephony signaling code (col. 3 line 65 - col. 4 line 2).

Ong teaches a translator (fig. 1 box 124) coupled to the telephony unit, the translator encapsulating the private telephony signaling code in an application layer control protocol message / SIP (SIP, col. 4 lines 7-13, encapsulated, col. 2 line 66 - col. 3 line 10).

Ong teaches a communications interface (fig. 1 box 126) coupled to the translator for transmitting the message over a communications network (fig. 1 box 180).

Regarding claim 12, Ong teaches a telephony communications network (fig. 1) supporting a session initiation protocol 'SIP' session (SIP, col. 4 lines 7-13).

Ong teaches a SIP client transmitting and receiving SIP messages during the SIP session (fig. 1 box 122, col. 4 lines 1-2).

Ong teaches a translator (fig. 1 box 124) coupled to the SIP client, the translator configured to encapsulate and decapsulate private telephony signaling codes (col. 3 line 65 - col. 4 line 2, encapsulated, col. 2 line 66 - col. 3 line 10) in and from the SIP messages (SIP, col. 4 lines 7-13) for allowing the SIP client access to PBX functionality (fig. 1 box 120) associated with private telephony signaling codes (col. 3 line 65 - col. 4 line 2).

Regarding claim 16, Ong teaches a telephony communications network (fig. 1) comprising a telephony unit (fig. 1 box 120) and a translator (fig. 1 box 124) coupled to the telephony unit.

Ong teaches a signaling interface (fig. 1 box 128 part of the SIP gateway, col. 3 line 65 - col. 4 line 2) receiving a private telephony signaling code (col. 3 line 65 - col. 4 line 2).

Ong teaches a processor coupled to the signaling interface, the processor configured to encapsulate the telephony signaling code in a session layer control protocol message / SIP (SIP, col. 4 lines 7-13, encapsulated, col. 2 line 66 - col. 3 line 10).

Ong teaches a network interface coupled to the processor for transmitting the message over a communications network (fig. 1 see connection from box 124 to 126).

Regarding claim 22, Ong teaches generating a private telephony signaling code (fig. 1 box 122, col. 3 line 65 - col. 4 line 2).

Ong teaches encapsulating the telephony signaling code in a session layer control protocol message / SIP (fig. 1 box 124,

col. 4 lines 7-13, encapsulated, col. 2 line 66 - col. 3 line 10).

Ong teaches transmitting the message over a communications network (fig. 1 box 126, col. 4 lines 23-25).

Regarding claims 2 and 23, Ong teaches one or more second telephony units (fig. 1 box 140).

Ong teaches one or more second translators (fig. 1 box 144) coupled to the one or more second telephony units, characterized in that the one or more second translators receive the message transmitted over the communications network (fig. 180) and decapsulate the telephony signaling code in the message (SIP, col. 4 lines 7-13, encapsulated, col. 2 line 66 - col. 3 line 10), further characterized in that one or more second translators forward the telephony signaling code to the one or more second telephony units (fig. 1 see connection between box 144 and 140) for performing a function in response to the telephony signaling code (session messages, col. 4 lines 7-13). Note, decapsulation is performed by the SIP gateway for messages received from the network directed to the PBX and encapsulation is performed by the SIP gateway for messages received from the PBX directed to the network.

Regarding claim 5, the translator (fig. 1 box 124, 126) determines the one or more second translators viable for receiving the message and transmitting the message to the viable translators. Note, the examiner corresponds the translator of the application with the combination of the SIP Gateway and Router of the reference.

Regarding claim 6 and 26, one or more second translators subscribe with the translator for receiving the message (INVITE, REGISTER, col. 4 lines 7-13).

Regarding claims 9 and 21, Ong teaches the telephony unit is a PBX unit (fig. 1 box 120).

Regarding claims 10, 18, and 27, Ong teaches the session layer control protocol is SIP (SIP, col. 4 lines 7-13).

Regarding claim 17, the processor (fig. 1 box 124) is further configured to decapsulate a second telephony signaling code in a second session layer control message received by the network interface for forwarding to the telephony unit over the signaling interface. Note, SIP messages received from the router

(fig. 1 box 126) are decapsulated by the gateway (fig. 1 box 124).

Regarding claim 24, determining one or more viable destinations to which to transmit the message and transmitting the message (fig. 1 box 126, col. 4 lines 22-24).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 3, 4, 7, 25, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ong as applied to claims 2 and 27 above, and further in view of Donovan (US 6,434,143).

Regarding claim 3, although Ong teaches routing the message to one or more second translators, the reference is silent on a

server for routing the message to one or more second translators.

Regarding claim 28, the Ong is silent on a SIP server.

Donovan teaches a server for routing the message to one or more second translators (fig. 1 box 23, 31, SIP redirect server, col. 3 lines 19-27).

Therefore it would have been obvious to one of ordinary skill in the art, to modify the system of Ong by routing SIP messages over the Internet via a SIP redirect server. Adhering to the standards for SIP redirect servers can perform this modification. This would improve the system since the redirect server is capable of mapping addresses for SIP messages (Donovan: col. 3 lines 19-27).

Regarding claim 4, the server provides a third party service for the telephony unit (redirect, col. 3 lines 19-27).

Regarding claims 7 and 25, although Ong teaches SIP, the reference is silent on the one or more second translators receiving the message in an out-of-call data transfer.

Donovan teaches SIP messages are received via out-of-call data transfer / signaling gateway (fig. 1 box 21, col. 2 line 67 - col. 3 line 4).

Therefore it would have been obvious to one of ordinary skill in the art, to modify the system of Ong by installing separate media and signaling gateways / channels over the Internet (fig. 1 box 180). This would improve the system since creating a second channel for the signaling data will allow more bandwidth in the data channel to be devoted to transporting data.

9. Claim 8 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Ong as applied to claims 1 and 16 in view of applicant's admitted prior art 'AAPA'.

Ong is silent on the telephone generating private telephony code.

AAPA teaches the telephone generating private telephony code (pg. 1 lines 30-32).

Therefore it would have been obvious to one of ordinary skill in the art, to modify the system of Ong by having the telephone transmit private signaling codes to the PBX. This modification can be performed by exchanging digital, vendor-specific, private signaling codes (AAPA: pg. 1 lines 30-32). This would improve the system by allowing the phone to perform

additional services such as speed dial and call transfer (AAPA: pg. 1 lines 25-29).

10. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donovan in view of applicant's admitted prior art 'AAPA'.

Regarding claim 14, Donovan teaches a telephony communications network (fig. 1) supporting a SIP session (col. 3 lines 2-4).

Donovan teaches a telephone appliance (fig. 1 box 13a) transmitting outgoing telephony signaling codes for accessing associated PBX functionality (fig. 1 box 19a).

Donovan teaches a translator (fig. 1 box 21a) coupled to the telephone appliance, the translator configured to encapsulate the outgoing signaling codes in outgoing SIP messages (signaling gateway, SIP, col. 2 line 67 - col. 3 line 4, col. 3 lines 19-24) transmitted to a PBX (fig. 1 box 19b) via a SIP server (fig. 1 box 23, 31, col. 3 lines 19-27) providing a SIP service for the telephone appliance (maps the address, returns addresses, col. 3 lines 19-27).

Although Donovan teaches telephone appliance transmitting outgoing telephony signaling codes for accessing associated PBX

functionality, the reference is silent on the outgoing telephony signaling codes being private.

AAPA teaches the outgoing telephony signaling codes being private (pg. 1 lines 30-32).

Therefore it would have been obvious to one of ordinary skill in the art, to modify the system of Donovan by having the telephone transmit private signaling codes to the PBX. This modification can be performed by exchanging digital, vendor-specific, private signaling codes (AAPA: pg. 1 lines 30-32). This would improve the system by allowing the phone to perform additional services such as speed dial and call transfer (AAPA: pg. 1 lines 25-29).

Regarding claim 15, Donovan teaches the SIP service is a call redirection service (fig. 1 box 31, redirect server, col. 3 lines 26-30).

Allowable Subject Matter

11. Claims 11, 13, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. The following is a statement of reasons for the indication of allowable subject matter.

Regarding claims 11 and 19, nothing in the prior art of the record teaches or fairly suggests the telephony unit is a SIP user agent, in view of the teachings of Ong in combination with all the limitations listed in the claim. See applicant: fig. 5, pg. 13 lines 9-32).

Regarding claim 13, nothing in the prior art of the record teaches or fairly suggests the translator is an application programming interface, in view of the teachings of Ong in combination with all the limitations listed in the claim. See applicant: fig. 5, pg. 13 lines 9-32).

Response to Arguments

13. Applicant's arguments with respect to independent claims 1, 12, 14, 16, and 22 have been considered but are moot in view of the new ground(s) of rejection. The examiner agrees with the applicant that Donovan does not specifically teach private telephony signaling (applicant: pg. 7-8). Therefore, a new search was performed.

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Abelson whose telephone number is (571) 272-3165. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RA

Ronald Abelson
Examiner
Art Unit 2666

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3/14/05

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